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Attorneys for Defendant Depositors Insurance Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

TRACY SCHERPING, STEFANI
HEAVILIN, DAVID SCHERPING, and
SCHERPING ENTERPRISES, INC.

Plaintiffs,

vs.

DEPOSITORS INSURANCE
COMPANY,

Defendants.

Cause No.

**DEFENDANT DEPOSITORS
INSURANCE COMPANY'S NOTICE
OF REMOVAL PURSUANT TO
28 U.S.C. §§ 1441 and 1446**

TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA, MISSOULA DIVISION:

Defendant Depositors Insurance Company hereby gives notice to the above-entitled Court for removal of this cause from the Montana Eleventh Judicial District, Flathead County, to the above-entitled United States District Court, Missoula Division, pursuant to 28 U.S.C. §§ 1441 and 1446, and for its grounds for removal allege as follows:

1. That the action is a civil action seeking damages stemming from a motor vehicle accident by filing a Complaint in the Montana Eleventh Judicial District Court, Flathead County; that at all times involved, Plaintiffs have been and are residents of the County of Flathead, State of Montana; that all times herein, the Defendant Depositors has been and is now a corporation organized and existing under and by virtue of the laws of the State of Iowa with its principal place of business not in Montana.
2. From the content of the Complaint, this matter in controversy, exclusive of interest and costs, exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00) and is a suit respectively between citizens of the State of Montana, as Plaintiffs, and a corporation organized and existing under and by virtue of the laws of the State of Iowa with its principal place of business not in Montana. The above-entitled Court has jurisdiction of this case under, and by virtue of, the provisions of

28 U.S.C. § 1332. The amount in controversy, exclusive of costs and fees, exceeds the sum of \$75,000.00.

3. That on or about November 16, 2020, Plaintiffs caused a Summons and Complaint to be delivered to Depositors Insurance Company and attached hereto as Exhibit A, is a copy of the Summons and Complaint so delivered.

4. That this Notice is filed within 30 days after Defendant Depositors Insurance Company received the above-mentioned documents.

5. That Defendant will, upon filing this Notice of Removal, forthwith give written notice thereof to the above-named Plaintiffs and file with the Montana Eleventh Judicial District Court, Flathead County, the Notice of its filing pursuant to L.R. 3.3(a) and request for transfer pursuant to Mont. R. Civ. P. 77(e), by which acts the above-entitled cause is removed from such State District Court to the above-captioned United States District Court, attached as Exhibit B.

DATED this 16th day of December, 2020.

BROWN LAW FIRM, P.C.

By: /s/ Scott G. Gratton
Scott G. Gratton
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